

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

James LeBlanc, an individual, and
Pear Point Project, LLC, a
Washington limited liability
company,

Plaintiffs,

vs.

Motion Picture Industry Health
Plan, a trust; Motion Picture
Industry Pension Plan, a trust,

Defendants.

Board of Directors of the Motion
Picture Industry Health Plan,

Counterclaimant,

vs.

James LeBlanc, an individual, and
Pear Point Project, LLC, a
Washington limited liability
company,

Counter defendants.

CASE No. CV11-04181 GAF (Ex)

FINAL JUDGMENT

Assigned to Hon. Gary A. Feess

Action Filed: May 16, 2011

1 From 2005 through 2009, Plaintiff James LeBlanc (“LeBlanc”) made
2 contributions to the Motion Picture Industry Health Plan (“Health Plan”) and
3 Motion Picture Industry Pension Plan (“Pension Plan”)(collectively, the “Plans” or
4 “Defendants”) through his wholly-owned and operated company, Plaintiff Pear
5 Point Project, LLC (“Pear Point”). After conducting an audit, however, the Plans
6 concluded that LeBlanc was not entitled to participate in the Plans, that hours
7 accrued toward his pension benefit would be vacated, and that he was obligated to
8 reimburse the Health Plan for benefits paid, which consisted of \$91,000.50 in
9 health benefits paid, plus interest and other costs.

10 Plaintiffs commenced this civil action against the Plans on May 16, 2011
11 under the Employee Retirement Income Security Act (“ERISA”) to obtain a
12 declaration that Pear Point was entitled to contribute to the Plans on LeBlanc’s
13 behalf, that LeBlanc’s pension benefits should be reinstated, and that Plaintiffs are
14 under no obligation to repay any benefits paid by the Health Plan. Plaintiffs
15 subsequently filed their First Amended Complaint seeking the same relief on June
16 7, 2011.

17 On July 25, 2011, the Health Plan filed its Counterclaim against Plaintiffs to
18 recover the amount of health benefits paid on LeBlanc’s behalf, plus interest and
19 other costs.

20 On May 21, 2012, Plaintiffs and the Plans filed motions for summary
21 judgment as to the Plaintiffs’ First Amended Complaint. At the same time, the
22 Health Plan filed its motion for summary judgment on its Counterclaim.

23 Pursuant to and for the reasons stated in this Court’s Memorandum & Order
24 Regarding Cross-Motions For Summary Judgment dated December 7, 2012
25 (“Memorandum & Order”), which is incorporated herein by reference, the Court
26 hereby enters Final Judgment in this matter as follows:

27 1. This Court has jurisdiction to enter this Final Order. This Court has
28 jurisdiction over this matter pursuant to ERISA, 29 U.S.C. Section 1001 *et seq.*,

1 and 28 U.S.C. Sections 1331, 1332 and 1367.

2 2. The Court reiterates and incorporates herein by reference its prior
3 findings and orders contained in its Memorandum & Order, which disposes of all
4 claims between the parties.

5 3. Pursuant to and for the reasons stated in the Memorandum & Order,
6 the Defendants' motion for summary judgment on the First Amended Complaint is
7 granted and Plaintiffs' cross-motion for summary judgment is denied.
8 Accordingly, judgment shall be and hereby is entered in favor of the Defendant
9 Plans as to all claims in Plaintiffs' First Amended Complaint, which is hereby
10 dismissed with prejudice.

11 4. Pursuant to and for the reasons stated in the Memorandum & Order,
12 the Health Plan's motion for summary judgment on the Counterclaim is denied.
13 Furthermore, because the Defendant Plans may not recover against Plaintiffs on
14 the counterclaims, the Counterclaim is dismissed with prejudice. Accordingly,
15 judgment shall be and hereby is entered in favor of Plaintiffs as to all
16 counterclaims in the Counterclaim, which is hereby dismissed with prejudice.

17 5. Pursuant to Rule 54(d) of the Federal Rules of Civil Procedure, any
18 motion for an award of attorneys' fees and/or costs shall be filed within fourteen
19 (14) days after the entry of this Final Judgment. A separate order shall be entered
20 to determine any such motion.

21 6. The Court shall retain jurisdiction over this action pursuant to Rule 54
22 of the Federal Rules of Civil Procedure and, in particular, for purposes of (a) the
23 construction, modification, and enforcement of this Final Judgment; (b) the
24 determination of any motion for an award of attorneys' fees and/or expenses; and
25 (c) all matters relating to this action and ancillary to the foregoing.

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1 7. There being no just reason for delay, the Clerk of the Court is directed
2 to enter the Final Judgment.

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4 **IT IS SO ORDERED, ADJUDGED AND DECREED.**

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6 DATED: January 7, 2013



Hon. Gary Allen Feess
United States District Court Judge